

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

APPLICA CONSUMER
PRODUCTS, INC.

vs.

PETCO ANIMAL SUPPLY
STORES, INC. AND PETCO
SOUTHWEST, INC.

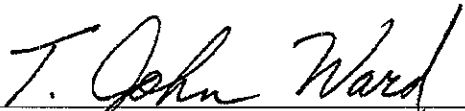
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CASE NO. 2:09-CV-222-TJW-CE

MEMORANDUM ORDER

The above-titled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his recommendation for the disposition of Applica's application for a temporary restraining order (Dkt. No. 5), have been presented for consideration. No objections were filed to the Report and Recommendation. The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the report of the United States Magistrate Judge as the conclusions of this court. Accordingly, the court denies the plaintiffs' application for a temporary restraining order and treats it as a request for preliminary injunction. The court also directs the parties to comply with the meet and confer and briefing directives set forth in the Magistrate Judge's recommendation.

SIGNED this 22nd day of October, 2009.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE